




# THE CHALLENGE OF RISK MANAGEMENT IN A SMALL CORRECTIONS SYSTEM

*by Warren Emmer, Director, Field Services Division, North Dakota Department of Corrections*

The North Dakota Department of Corrections and Rehabilitation (DORC) has embraced a risk management system for its adult offender population. The system is intended to ensure that the riskiest offenders are housed within our prison system. The department's Field Services Division, which encompasses parole, probation, and community-placed inmate programming, also operates under the belief that lower-risk offenders who are in the community should be given the opportunity to stay there. Community-based offenders who are too risky for the community should be moved into the prison system.

Most of us in corrections probably agree with this philosophy. However, I suspect that under scrutiny, most systems would discover that some very low-risk offenders are in prison, while some very high-risk ones are on traditional parole/probation caseloads. Our goal in North Dakota is to implement a system that is truly risk-driven. We have a lot of work to do before we get our system totally in place, but I will take this opportunity to discuss our progress here.

It was important for North Dakota to implement a risk management system, not because we are a large system with lots of offenders, but, to the contrary, because we are a very small system that covers lots of geography and has few resources. I believe a small system is far more vulnerable to changing sentencing practices and law. Small systems rely heavily on staff who are required to be multi-disciplinary, and they typically have limited resources. Our state has a population of only 638,800 people, and when the corrections budget increases by a few million dollars, people pay attention. In addition, as in any system, some legislators develop "amnesia" as to why correctional programming requires more money.

## Background: North Dakota Corrections

Like other states, North Dakota's corrections system has doubled over the last decade. Having said that, let me give you some background information on the DORC's Adult Services Division. The Adult Services Division is made up of the Prisons Division and Field Services Division. Within this system, we confine or supervise roughly 3,880 offenders statewide:

- The Prisons Division has a rated capacity of 861 beds, but that system is 10 percent over capacity at this time.
- Our Field Services Division supervises 2,945 offenders on probationary, parole, and inmate status.

To put this in perspective: in North Dakota we supervise about four offenders for every 100 square miles. That means there are often a lot of farmsteads, sagebrush, and cattle between some of our clients. It also means that many of our clients live in rural settings that typically have little law enforcement supervision or treatment resources. When we compare our system to a large system such as that in the state of New Jersey, the statistics are even more striking. While we supervise four offenders for every 100 square miles, New Jersey supervises 1,715.

The Prison Division has three facilities: a maximum facility in Bismarck, a minimum facility in Bismarck, and a medium facility in Jamestown. The system is staffed with 320 employees. The Field Services Division manages its offender population with 57 permanent employees and 25 temporary employees. We also rely heavily on contract services. Compared to similar states such as South Dakota, Wyoming, and Montana, we are still much smaller in both staff numbers and the size of the offender population. We are proud of this fact and make an effort to maintain our small size. In order to accomplish this, we must ration available prison beds as well as services available in the community.

Our approach is to have Prisons Division and Field Services Division staff work closely together. Field Services Division staff develop social history reports for the penitentiary's classification system. Within those reports, based on a somewhat outdated, but validated, risk prediction instrument, we assess perceived risk if an inmate were to be returned to the community. We then also look closely at the inmate's perceived criminogenic needs. Both the Field Services Division and the Prisons Division staff maintain all this information. Inmates are typically released back into the community based on their risk and the degree to which they have addressed their criminogenic needs.

The North Dakota Parole Board is the major vehicle used to achieve this objective. The Board is staffed with six part-time members. It has no administrative staff, and each member receives less than \$1,000 per year for service. The Field Services Division staff serves as the support staff for the Parole Board. A panel of three board members meets monthly and reviews more than 100 inmate applications. The panel reviews all the risk and needs information provided by the Field Services and Prisons Divisions. Based on this information, offenders perceived to be low-risk are returned to the community when they have completed about 25 percent of their sentence. Offenders of moderate risk are returned to the community at about 33 percent of their sentence, and those perceived to be of medium risk are returned to the community at about 50 percent of their sentence. Offenders perceived to be high-risk virtually max out their sentences.

However, it is important to note that DORC and the Parole Board believe that satisfaction of criminogenic needs reduces an offender's risk for re-offense. This means that even high-risk offenders who would otherwise serve their full sentence have an opportunity to be released at about 60 percent of their sentence if they complete recommended treatment.

**Community Placement Program.** DORC also manages a program parallel to the Parole Board process. This program, the Community Placement Program, typically addresses the needs of offenders who have less than one year to serve in our facilities. Offenders with less than high-risk scores have the opportunity to be released to the community up to the last year of their sentence, where they serve their sentences

in a variety of placement options, ranging from residential halfway houses to home confinement and day reporting. Field Services Division staff manage this program through what is called the DORC Release Team.

**Revocation Center Program.** The Release Team is also responsible for another accelerated release program known as the Revocation Center Program. Risk scores are only a part of the criteria reviewed for admission into the Revocation Center Program. The program is designed for first-time probation and parole violators, and we also look at first-time arrivals in the penitentiary system to select appropriate applicants.

We then move participants to a treatment and cognitive restructuring program in a contract facility off campus from our institutions. Here, offenders are provided a 60-day alcohol and drug treatment program offered through a contractual arrangement with the North Dakota Department of Human Services. During this treatment, Revocation Center candidates also receive 60 days of cognitive restructuring programming that is administered by both Field Services Division staff and staff from our contract facility. We believe that the intensive treatment and cognitive restructuring programming provided to the Revocation Center candidates makes them less risky and more appropriate for return to community programming.

The Release Team has taken this programming one step further. Effective May 1, 1999, the Release Team is reviewing all petitions to revoke probation from across the state before they are filed with the appropriate court. Lower-risk offenders with only technical violations and minor misdemeanor convictions can be diverted from the court. Instead, they will be moved into other intermediate sanction programming.

Other available sanctions that offenders may be directed to include:

- **Community Placement Program-Offenders** serve their sentences in the community in a variety of placement options, ranging from residential halfway house to home confinement and day reporting.
- Jail-Parole violators determined to be inappropriate for the revocation center program or other programming face revocation and serve their sentence in jail.
- **House arrest/home detention-Contract** service providers manage high-risk offenders using technology such as electronic monitoring and tracking systems.
- **Halfway house-Traditional** programming includes treatment for chemical addiction and cognitive restructuring.
- **Three-day parole hold-Jails** are used as an intermediate measure for parole violators.
- **Day reporting-Offenders** report to structured community placement for 90 days.
- **DOCR rooms-Hotel rooms** house offenders until other community placement becomes available.

These intermediate sanctions do not replace traditional responses to case management problems that typically arise with a field caseload. Traditional case management problems, such as relapse issues, are managed locally by using available services of the state's Department of Human Services.

## **A Risk-Driven System**

We expect the Field Services Division parole/probation officers to manage a significant population of offenders who, if not for the Release Team and the programs it manages, would be in prison. This has meant that we have had to redefine how parole/probation officers prioritize their work. In the past, the Field Services Division relied on typical contact standards for the supervision of offenders. As is the case in many other parts of the country, office visits, out-of-office visits, and collateral contacts ruled the day. However, I believe that such a system traps staff and reduces their innovative spirit. Officers know perfectly well how they will be judged in supervising offenders assigned in a contact standard environment. Traditional contact standard systems typically are not concerned with addressing offenders' criminogenic needs but, instead, are concerned with counting officers' activity related to offenders. Our system is too small and our staff wears too many hats for us to continue with such an approach.

With that belief, we have moved to a system that does not rely on contact standards. We are asking officers to prioritize their work by dividing their caseloads based on perceived risk. Medium- to high-risk offenders are maintained on the caseloads of traditional parole/probation officers. The officers are not judged by the number of contacts they make with these offenders but by how well they are managing the criminogenic needs demonstrated by the offenders, thereby reducing their risk of re-offense. To assist the parole/probation officers in supervising their caseloads, we have contracted with off-duty police officers to make the necessary surveillance-type contacts. This has allowed us to dramatically reduce officers' active caseloads. Officers now manage caseloads of between 50 and 75 offenders, while, in years past, many had caseloads of well over 100.

Cases of less than medium risk are assigned to paraprofessional staff known as Community Corrections Agents. Community Corrections Agents are typically employees who were formally assigned to administrative secretarial duties. They are given additional training to address issues raised by a typical low-risk caseload. In most instances, the Community Corrections Agents manage and determine compliance with court orders for payments by low-risk offenders.

To further ensure that our officers are not overwhelmed, we have gradually moved away from supervising low-risk misdemeanants. Instead, misdemeanor cases are now managed by community service and restitution programs across the state. We provide these programs with both financial and technical support. If not for them, I believe our caseloads would be approximately double what they are now.

## **The Transition**

Our move to a risk-driven system has not been without problems. The first problem we encountered was the risk instrument itself. Our risk instrument is a good historical predictor, but it does not predict dynamic changes in offenders that occur over time. Because of this, we are looking at other testing instruments.

Second, staff have not universally embraced our system; both Prisons Division and Field Services Division staff are quite anxious. Many people have been forced to leave their comfort zones. Within the Prisons Division, this has occurred when offenders who have served only a little time but who are deemed to be low-risk and inappropriately placed in prison are moved rapidly through the system, leaving space

for lengthy-sentenced offenders perceived to be of high risk to max their sentences. (Historically, all offenders had been released with somewhere between 50 to 60 percent of their sentences served.)

In the communities, parole/probation officers had been comfortable with the previous contact standards system. They also enjoyed having the more pro-social offenders coming to visit them. They have lost this pro-social offender contact and now supervise a far more risky/needy clientele. In the past, they were judged by the number of contacts made, but now they are judged by performance in helping offenders address their criminogenic needs.

Finally, some courts, many law enforcement officers, and others are closely watching how our programming evolves. We believe that the correctional staff, field staff, and other interested parties will become more comfortable with our system as time goes on. Perhaps the most important "other parties" are officials in our legislative and executive branch offices. Most of these officials are hopeful that our release philosophy will allow us to avoid building another prison. They anticipate that we will hold the prison population under approximately 1,200 offenders through June 30, 2001. They also expect that the Field Services Division will accomplish this objective with fewer than 70 employees through that date.

**T**he North Dakota Department of Corrections and Rehabilitation, Adult Services Division is thus faced with a significant challenge. The Prisons Division and the Field Services Division will be required to continue to work cooperatively. It is our hope that we will achieve our objective-that in 2 years those offenders who, based on risk, have earned the right to a prison bed will have it available to them. Those who have, through their own positive performance, earned the right to remain in the community will be outside the prison.

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